



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E., Suite 400
Aberdeen, South Dakota 57401

IN REPLY REFER TO:


DESCRM

MC-208

SEP 20 2012

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: Regional Director, Great Plains Region 

SUBJECT: Environmental Assessment Addendum and Finding of No Significant Impact

In compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended, an Addendum has been completed and a Finding of No Significant Impact (FONSI) has been issued. The Addendum authorizes land use for the alignment changes to the Southeast Lateral Pipeline and the West Lateral Pipeline connecting to the Saddle Butte Pipeline on the Fort Berthold Indian Reservation.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the Addendum, FONSI and Notice of Availability. The Council on Environmental Quality (CEQ) regulations require that there be a public notice of availability of the (40 C.F.R. Section 1506.6(b)). Please post the attached notice of availability at the Agency and Tribal buildings for 30 days.

If you have any questions, please call Marilyn Bercier, Regional Environmental Scientist, Division of Environment, Safety and Cultural Resources Management, at (605) 226-7656.

Attachment

cc: Tex Hall, Chairman, Three Affiliated Tribes (with attachment)
Elgin Crows Breast, Tribal Historic Preservation Officer (with attachment)
Derek Enderud, BLM, Bureau of Land Management (with attachment)
Wade Epperson, SWCA (with attachment)
Carson Hood/Fred Fox, MHA Energy Dept. (with attachment)
Jonathon Shelman, Corps of Engineers (e-mail)
Jeff Hunt, Fort Berthold Agency (e-mail)

Finding of No Significant Impact

Saddle Butte Pipeline, LLC (SBP)

***Addendum to:
Authorize Alignment Changes
to the Southeast Lateral Pipeline and the West Lateral Pipeline Connecting
to the Saddle Butte Pipeline***


***Fort Berthold Indian Reservation
McKenzie and Dunn Counties, North Dakota***

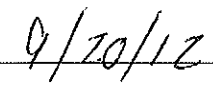
The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an addendum to authorize alignment changes to the Southeast Lateral Pipeline and the West Lateral Pipeline connecting to the Saddle Butte Pipeline on the Fort Berthold Reservation. The Southeast Lateral Pipeline alignment changes are located in SE¼ Section 20, NW¼ SW¼ Section 21, NW¼ Section 26, and NW¼ NE¼ Section 29, Township (T) 149 North (N), Range (R) 93 West (W), McKenzie County, North Dakota (Figure 1). The West Lateral Pipeline alignment changes and temporary use areas are located in SW¼ SW¼ and SE¼ Section 31, T149N, R94W, McKenzie County, North Dakota, and NW¼ Section 1 and NE¼ Section 2, T148N, R95W, Dunn County, North Dakota. The additional gathering line ROW for the Bass #149-94-25B-36H TF and Trout #149-94-25B-36H well pad is located in SE¼ Section 24, T149N, R94W, McKenzie County, North Dakota, and SW¼ Section 19, T149N, R93W, Dunn County, North Dakota. Associated federal actions by BIA include determinations of impacts and effects regarding environmental resources for developments on tribal lands.

The potential of the proposed actions to impact the human environment is analyzed in the attached addendum to an existing EA, as required by the National Environmental Policy Act. Based on the recently completed addendum to the EA, I have determined that the proposed project will not significantly affect the quality of the human environment. No Environmental Impact Statement is required for any portion of the proposed activities.

This determination is based on the following factors:

1. Agency and public involvement solicited for the preceding NEPA document was sufficient to ascertain potential environmental concerns associated with the currently proposed project.
2. Protective and prudent measures were designed to minimize impacts to air, water, soil, vegetation, wetlands, wildlife, public safety, water resources, and cultural resources. The remaining potential for impacts was disclosed for both the proposed actions and the No Action alternative.
3. Guidance from the U.S. Fish and Wildlife Service has been fully considered regarding wildlife impacts, particularly in regard to threatened or endangered species. This guidance includes the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.).
4. The proposed actions are designed to avoid adverse effects to historic, archaeological, cultural and traditional properties, sites and practices. Compliance with the procedures of the National Historic Preservation Act is complete.
5. Environmental justice was fully considered.
6. Cumulative effects to the environment are either mitigated or minimal.
7. No regulatory requirements have been waived or require compensatory mitigation measures.
8. The proposed projects will improve the socio-economic condition of the affected Indian community.


Regional Director


Date

Notice of Availability and Appeal Rights

Saddle Butte Pipeline, LLC: Alignment Changes
to the Southeast Lateral Pipeline and the West Lateral Pipeline Connecting
to the Saddle Butte Pipeline

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals for an Addendum for the Alignment Changes to the Southeast Lateral Pipeline and the West Lateral Pipeline Connecting to the Saddle Butte Pipeline on the Berthold Reservation as shown on the attached map. Construction by Saddle Butte Pipeline is expected to begin in 2012.

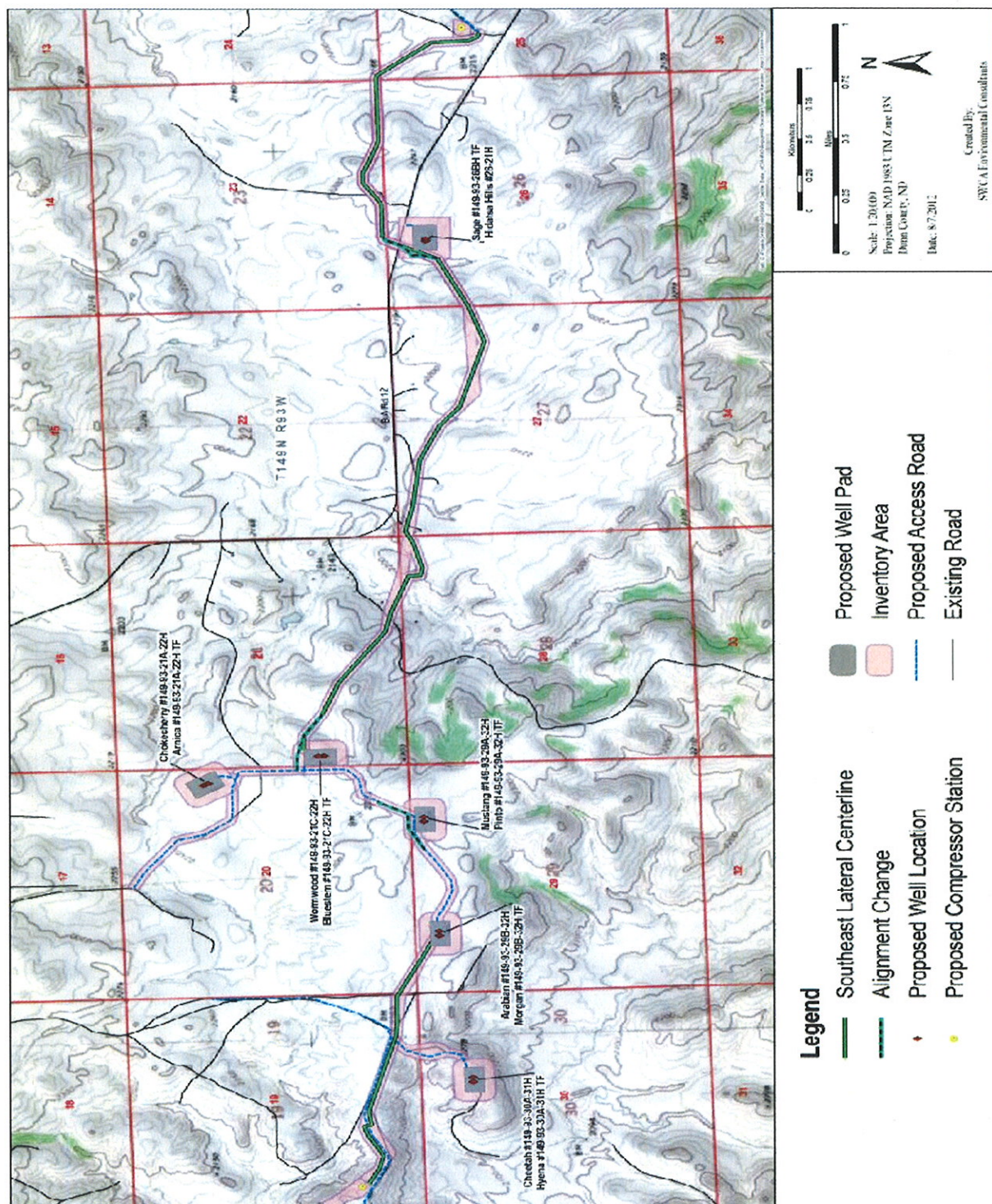
An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Earl Silk, Superintendent at 701-627-6570 for more information and/or copies of the EA and the Finding of No Significant Impact (FONSI).

The FONSI is only a finding on environmental impacts – it is not a decision to proceed with an action and *cannot* be appealed. BIA's decision to proceed with administrative actions *can* be appealed until October 19, 2012, by contacting:

United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Indian Appeals
801 N. Quincy Street, Suite 300, Arlington, Va 22203.

Procedural details are available from the BIA Fort Berthold Agency at 701-627-6570.

Project locations.



ENVIRONMENTAL ASSESSMENT Addendum

United States Bureau of Indian Affairs

**Great Plains Regional Office
Aberdeen, South Dakota**



Saddle Butte Pipeline, LLC

**Addendum to Environmental Assessment to Authorize Alignment Changes
to the Southeast Lateral Pipeline and the West Lateral Pipeline Connecting
to the Saddle Butte Pipeline**

Fort Berthold Indian Reservation

September 2012

For information contact:
Bureau of Indian Affairs, Great Plains Regional Office
Division of Environment, Safety and Cultural Resources Management
115 4th Avenue SE, Aberdeen, South Dakota 57401
(605) 226-7656

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- A Plats, Drawings, and Diagrams for the Southeast Lateral Pipeline and West Lateral Pipeline Alignment Changes

1. Purpose and Need for the Proposed Action

The purpose of the proposed action is to authorize Saddle Butte Pipeline, LLC (SBP) to complete three alignment changes to the approved route of the Southeast Lateral Pipeline (SWCA Environmental Consultants [SWCA] 2012a); three alignment changes and the addition of two temporary use areas to the approved route of the West Lateral Pipeline (SWCA 2012b); and an additional gathering line right-of-way (ROW) for the approved Bass #149-94-25B-36H TF and Trout #149-94-25B-36H well pad (SWCA 2011) (Figures 1–3).

2. Authorities

Oil and gas exploration and development activities are conducted under authority of the Indian Mineral Leasing Act of 1938 (25 United States Code [USC] 396a, et seq.), the Indian Mineral Development Act of 1982 (25 USC 2101, et seq.), and the Energy Policy Act of 2005 (42 USC 15801, et seq.).

3. Legal Land Description for Proposed Action

The Southeast Lateral Pipeline alignment changes are located in SE¼ Section 20, NW¼ SW¼ Section 21, NW¼ Section 26, and NW¼ NE¼ Section 29, Township (T) 149 North (N), Range (R) 93 West (W), McKenzie County, North Dakota (Figure 1). The West Lateral Pipeline alignment changes and temporary use areas are located in SW¼ SW¼ and SE¼ Section 31, T149N, R94W, McKenzie County, North Dakota, and NW¼ Section 1 and NE¼ Section 2, T148N, R95W, Dunn County, North Dakota (Figure 2). The additional gathering line ROW for the Bass #149-94-25B-36H TF and Trout #149-94-25B-36H well pad is located in SE¼ Section 24, T149N, R94W, McKenzie County, North Dakota, and SW¼ Section 19, T149N, R93W, Dunn County, North Dakota (Figure 3).

4. Scope of Work for Proposed Action

SBP proposes to make three alignment changes to the approved Southeast Lateral Pipeline to accommodate access road and well pad placement needs of the approved Pinto #149-93-29A-32H, Mustang #149-93-29A-32H TF, Wormwood #149-93-21C-22H, Bluestem #149-93-21C-22H TF, Hidatsa Hills #149-93-26-21H, and Sage #149-93-26BH TF wells; and three alignment changes to the West Lateral Pipeline to accommodate well pad placement needs of the approved Likes Eagle #2-31H, Acadia #148-95-02A-11H TF, Glacier #148-95-02B-11H TF, Brugh Bear #2-11H, Beaver Creek #149-94-31D-30H TF, Zion #148-95-02B-11H, Bradfield #31-14H, Lucky Mound #149-94-31C-30H TF, Emerald #148-95-03A-10H, and Diamond #148-95-03A-10H TF wells and the addition of two temporary use areas associated with two approved bore locations. All pipeline realignments would be outside of the previously approved ROW boundaries of the 16 wells. The Southeast Lateral Pipeline realignments exist entirely within areas previously surveyed for biological and cultural resources. The West Lateral Pipeline realignments are outside of areas previously surveyed for biological and cultural resources, thus requiring new surveys to be conducted.

SBP also proposes an additional gathering line ROW to tie the approved Bass #149-94-25B-36H TF and Trout #149-94-25B-36H wells into the existing Saddle Butte Trunk Pipeline, which also required additional surveys.

5. Surveys for the Proposed Action

Southeast Lateral Pipeline

SWCA Environmental Consultants (SWCA) conducted natural resource surveys for threatened and endangered species, migratory birds, bald and golden eagles, and wetlands for the gathering pipelines on November 2 and 3, 2011. Those in attendance during the on-site meeting agreed the location selected would limit the potential impacts to sensitive resources. No threatened and endangered species, migratory birds or nests, or bald/golden eagles or nests were observed during any of the natural resource surveys. Two linear wetlands were identified along the proposed route. SBP has committed to boring the gathering lines under these features; therefore, no wetland areas are anticipated to be impacted by the proposed alignment changes.

BIA issued a Finding of No Significant Impact (FONSI) for this pipeline on March 1, 2012.

West Lateral Pipeline

SWCA conducted natural resource surveys for threatened and endangered species, migratory birds, bald and golden eagles, and wetlands for the gathering pipelines on September 27 and 28 and October 10 and 18, 2011, and July 17 and 31, 2012. Those in attendance during the on-site meeting agreed the location selected would limit the potential impacts to sensitive resources. No threatened and endangered species, migratory bird nests, or bald/golden eagle nests were observed during any of the natural resource surveys. However, migratory bird and bald/golden eagle nesting habitats were present in the project area; therefore, construction would occur outside of the migratory bird breeding season. During the September 28, 2011, survey, one golden eagle (*Aquila chrysaetos*) was observed soaring along the pipeline corridor. Two migratory birds (dark-eyed junco [*Junco hyemalis*] and indigo bunting [*Passerina cyanea*]) were observed during the October 18, 2011, survey. Two wetlands were identified along the proposed route. SBP has committed to boring the gathering lines under these features; therefore, no wetland areas are anticipated to be impacted by the construction of the proposed gathering pipelines.

BIA issued a FONSI for this pipeline as originally designed on March 23, 2012. A cultural resource inventory of the proposed changes to this pipeline route was conducted by personnel of SWCA Environmental Consultants, using an intensive pedestrian methodology. Approximately 14.77 acres were inventoried on July 17, 2012 (Wandler and Schleicher 2012b). No historic properties were located that appear to possess the quality of integrity and meet at least one of the criteria (36 CFR 60.6) for inclusion on the National Register. As the lead federal agency, and as provided for in 36 CFR 800.5, on the basis of the information provided, BIA reached a determination of **no historic properties affected** for this undertaking. This determination was communicated to the THPO on August 9, 2012; however the THPO did not respond within the allotted 30 day comment period.

Bass #149-94-25B-36H TF and Trout #149-94-25B-36H Gathering Line

SWCA conducted natural resource surveys for threatened and endangered species, migratory birds, bald and golden eagles, and wetlands for the gathering pipeline on November 3, 2010, and May 24 and July 14, 2011. An aerial eagle nest survey was flown by an SWCA biologist on Friday, March 25, 2011, for Enerplus to identify any eagle nests within 0.5 mile of the well pad and access road areas, per BIA recommendations. No nests or eagles were observed during the survey (SWCA 2011). Additionally, the North Dakota Game and Fish Department golden eagle nest database was checked for known nests within 0.5 mile of the proposed project components. No known golden eagle nests occur within 0.5 mile of proposed project components (North Dakota Game and Fish Department 2010). No threatened and endangered species habitat was observed; however, raptor nesting habitat was observed during the on-site field survey. Nesting habitat for eagles is present within 0.5 mile of the proposed well pad project area and migratory bird nesting habitat is also present. During the wildlife survey, smooth green snake (*Opheodrys vernalis*), yellow warbler (*Dendroica petechia*), song sparrow (*Melospiza melodia*), western kingbird (*Tyrannus verticalis*), and grasshopper sparrow (*Ammodramus savannarum*) were observed.

BIA issued a FONSI for this well pad and access road on December 16, 2011. A cultural resource inventory of the proposed pipeline and access road reroute was conducted by personnel of SWCA Environmental Consultants, using an intensive pedestrian methodology. Approximately 15.83 acres were inventoried on July 17, 2012 (Wandler and Schleicher 2012a). No historic properties were located that appear to possess the quality of integrity and meet at least one of the criteria (36 CFR 60.6) for inclusion on the National Register. On the basis of the information provided, BIA reached a determination of **no historic properties affected** for this undertaking. This determination was communicated to the THPO on August 9, 2012; however the THPO did not respond within the allotted 30 day comment period.

Mustang #149-93-29A-32H and Pinto #149-93-29A-32H TF Gathering Line

SWCA conducted natural resource surveys for threatened and endangered species, migratory birds, bald and golden eagles, and wetlands for the gathering pipeline on May 24, 2011. An aerial eagle nest survey was flown by an SWCA biologist on Friday, March 25, 2011, for Enerplus to identify any eagle nests within 0.5 mile of the well pad and access road areas, per BIA recommendations. No nests or eagles were observed during the survey (SWCA 2011). Additionally, the North Dakota Game and Fish Department golden eagle nest database was checked for known nests within 0.5 mile of the proposed project components. No known golden eagle nests occur within 0.5 mile of proposed project components (North Dakota Game and Fish Department 2010). No threatened and endangered species habitat was observed. Raptor nesting habitat was not observed during the on-site field survey. Nesting habitat for eagles is not present within 0.5 mile of the proposed well pad project area, but migratory bird nesting habitat is present. During the wildlife survey, a turkey vulture (*Cathartes aura*), American goldfinch (*Spinus tristis*), and red-tailed hawk (*Buteo jamaicensis*) were observed.

BIA issued a FONSI for this well pad and access road on September 28, 2011. The gathering line will run within the corridor inventoried for the access road.

6. Potential Effects

Potential direct impacts to cultural resource sites would occur as a result of disturbance and/or the loss of sites eligible for the NRHP. All potential impacts as a result of the proposed action were mitigated via field survey and subsequent avoidance, or through recommendation of fencing and monitoring during construction in proximity to any eligible or listed cultural resource sites within the proposed ROW.

Potential direct impacts to natural resources may include the loss of native vegetation and wildlife habitat, soil disturbance, and erosion during construction that may adversely affect air and water quality. Impacts would be mitigated by using best management practices during construction to minimize disturbance. Once construction activities are completed, reclamation would take place and would include the return of topsoil and contouring, and seeding of native vegetation.

Potential indirect impacts include noise and other disturbances to wildlife during construction and the introduction of noxious weeds. Impacts would be mitigated through avoidance of any federally listed threatened or endangered species or wetlands, avoidance of nesting migratory birds, implementation of best management practices to control the introduction of noxious weeds, and minimization of the length of time between trenching, pipeline burial, and reclamation. These mitigation measures are consistent with the approved National Environmental Policy Act (NEPA) document, which received a finding of no significant impact (October 2010).

7. Pipeline/Gathering Line Construction and Safety Information

The utility corridor is sized to accommodate the installation of buried oil, gas, and water gathering pipelines and buried electric and fiber optic lines. Gathering pipelines would tie into main pipeline trunk lines.

Gathering pipelines consist of oil, gas, and water pipelines. Gathering lines are designed and sized to prevent erosion—which is an internal pipe condition caused by excessive abrasion of fine particles in the pipeline system or by excessive velocity of the transported product—by a safety factor of approximately two. Based on these criteria, the oil and gas pipelines would be steel and 12 inches or less in diameter and the water pipeline would be Fiberspar and 6 inches or less in diameter. The gathering lines would be coated with between 14 and 16 millimeters of fusion bonded epoxy, which helps protect the pipelines against corrosive elements in the soil. Field joints are also protected by shrink sleeves. Specialty coatings are also used, as applicable, for underground fittings and bore crossings to provide additional levels of protection from leakage or corrosion. The coating and shrink sleeves are inspected thoroughly at the time of installation, both visually and electronically. All pipelines are clearly marked following the U.S. Department of Transportation's rules and regulations (49 CFR Parts 192 and 195). To prevent potential erosion or rupturing of the pipeline within critical areas near Lake Sakakawea or in drainages, the placement and bore depth of gathering lines is designed based on soil types in the area and surface drainage area within the vicinity of the bore. Gathering lines will be bored underneath drainages at a minimum depth of 8 feet. Additionally, bore pipes will be coated with specialty abrasion-resistant coating that provides

substantial protection on the off chance that a large erosion or flooding event occurs. Pipelines are also equipped with check valves and manual valves between the trunk line and gathering line, or lateral line, which provide connections to help limit the volume of potential spills. SBP has developed a Spill Response Plan (Plan) for its pipeline construction and operation activities. The Plan includes spill preventative measures and monitoring protocols; notification procedures; spill detection and on-scene spill mitigation procedures; response activities; contacts; training and drill procedures; and response plan review and update procedures. SBP is committed to adhering to the Plan as well as the procedures and requirements set forth by federal law (49 CFR Part 194).

Following installation of the gathering lines, the lines will be cleaned and inspected via internal tools (e.g., cleaning pigs and smart pigs), which helps to identify issues in the pipes. Hydrostatic testing is conducted to ensure that there is no leakage of the pipe. A cathodic survey using test stations, rectifier pads, and other means designed by cathodic protection specialists is also conducted. Any stress or damage issues identified in the pipelines can be quickly identified and remedied prior to backfill. Throughout the life of the gathering lines, an appropriate amount of cathodic active current is placed on pipeline segments and monitored in accordance with the strict pipeline safety requirements set forth in the U.S. Department of Transportation's rules and regulations. In order to assure the quality of the installation and the effectiveness of its corrosion control systems, pig launchers and receivers are also installed on the trunk lines and primary laterals to identify pipeline conditions both internally and externally, in order to maintain the integrity.

8. Pipeline/Gathering Line

Reclamation and Stabilization

The purpose of this section is to describe the methods for topsoil replacement, seeding, erosion control, and monitoring in order to ensure reclamation success. All disturbed areas would be reclaimed and seeded immediately following construction. The construction contractor, according to specifications outlined in this document, would restore all lands disturbed by that contractor including, but not limited to, ROWs, well pads, construction yards, temporary work spaces, ancillary facilities, and staging areas. SBP would recontour the disturbed areas and obliterate all earthwork by removing embankments, backfilling excavations, and grading to re-establish the approximate original contours of the land and in the ROW. SBP would also restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient. Loose soil, fill, and culverts would be removed from drainage channels as directed by the authorized officer.

SBP would measure the success of the reclamation by monitoring site stabilization and percentage of revegetation. By maintaining vegetative cover, "the interactive process between the soil and the plant are sufficient to cope with erosive forces" (Lal 1988:164–165) and recent research has suggested that soil with "30% total cover provided adequate erosion protection" (Linse et al. 2001:356–361). SBP would measure the success of its short-term reclamation goals by establishing a minimum of 30% vegetation cover and ensuring that no gullies or rills would occur. Final stabilization would be achieved when all surface-disturbing activities are completed and a uniform perennial native vegetative cover with a density of

70% has been established on all disturbed areas not covered by permanent structures. The success of reclamation goals would be monitored for the life of the pipeline.

Work sites would be restored using excess materials, vegetation, and topsoil stockpiled for that purpose. The contractor would dispose of excess soil materials, rock, and other objectionable materials that cannot be used in restoration work, at an approved landfill. All topsoil material stockpiled after construction of well pads, and following interim reclamation, would be immediately placed in windrows no higher than 2 to 4 feet, seeded with a certified weed-free annual ryegrass at a rate of 10 pounds per acre, and covered with fiber matting to prevent erosion and maintain soil fertility.

Interim Reclamation

Reclamation would continue to occur over the life of the pipelines. Interim reclamation would commence after initial construction and following any maintenance work or additions to infrastructure. SBP would be responsible for successfully reclaiming and restoring any damage or disturbance it may have caused to the property.

Following trench backfilling and compaction, disturbed areas would be restored to the original land contour and the subsoil on the working side of the ROW and other work areas would be ripped to alleviate compaction. The salvaged and stockpiled topsoil would then be redistributed over the ROW and graded, and erosion-control measures would be installed as appropriate. If construction is stopped before interim reclamation can be completed due to winter weather conditions, the topsoil would be respread over the ROW after the trench is backfilled and matting or straw would be placed over all bare ground as a barrier to aid in the prevention of subsidence. If construction is planned for winter months, SBP would partially fill the trench with useable, non-frozen, backfill soil to the extent possible. SBP would then backfill the trench and distribute the topsoil as soon as practicable after the soil has defrosted. Topsoil piles would be covered to eliminate the potential for rill erosion and subsequent loss of soil during spring snow melt and precipitation events.

The seedbed would be prepared by disking to a depth of 4 to 6 inches below ground surface. No reclamation work would be completed when soils are frozen or overly wet and no depressions would be left to trap water or form ponds. The seed mixture would be determined by the BIA and the landowner. Seed would be drilled on the contour with a seed drill. If a drill seeder cannot be used due to topography, the location would be broadcast seeded at double the drilling rate. The broadcasted seed would be covered by raking or harrowing.

Topsoil would not be mixed with spoil material before or during replacement. Topsoil from areas that had not been stripped would not be used to cover adjacent disturbances. Topsoil would not be handled under excessively wet or windy conditions.

Replaced topsoil would be left in a roughened condition to discourage erosion and additional stabilization techniques may be required on steeper slopes, in areas that have highly erodible soils, and in areas adjacent to, or within, drainages. Woody and non-woody vegetation cleared and stored along the edges of the ROW during construction would be randomly scattered over the ROW and temporary use areas.

No unnatural depressions would be left that would trap water or form ponds; the trench would be compacted at 1- to 2-foot lifts to avoid subsidence. In no instance would the ROW or expanded work areas be lower than the natural grade.

Seed Specifications and Selection

Seed mixtures determined by the BIA may need to be modified as a result of limited species availability, poor seed quality, or differences in site conditions. These modifications would be dependent on site-specific conditions and requirements, and modifications would only be approved after consultation with the landowner or the authorized officer.

All seed would meet the requirements of the Federal Seed Act of 1939 and the seed and noxious weed laws of North Dakota. Seed would be purchased from a certified seed source in accordance with Pure Live Seed specifications for seed mixtures and would be certified weed-free. If requested, evidence of seed certification would be provided to the authorized officer. The seed would be consistent with the characteristics of the reclaimed area and would be used within 9 months of testing to assure seed viability.

Seedbed Preparation

Seedbed preparation pertains to the preparation of the surface to receive the seed. Prior to seedbed preparation, the contractor or SBP would remove all foreign materials (e.g., garbage, paper, etc.), but leave all rocks, limbs, or minor woody debris. Seedbed preparation would be performed immediately prior to seeding.

The topsoil layer would be roughened, if necessary, prior to seed application using a standard disk or spring bar harrow under the proper soil moisture conditions to achieve the desired surface texture. Dirt clods and chiseled voids would provide microsites for seed establishment and increase surface area for water collection. The soil would be disked/harrowed to a maximum of 2 inches deep with 2- to 4-inch clods. Sites where this method is not practical (steep slopes, rocky areas, etc.) would be left with adequate roughness following topsoil placement to provide microsites for seed germination and to reduce soil movement.

Seedbed preparations would not be performed in areas with the desired post-construction soil characteristics. The authorized officer may review and approve the results of the seedbed preparations prior to the seed application, if desired.

Seed Application

The seed mixture would be applied as directed by the BIA and no seed mixture changes would be made without approval from the authorized officer.

Seeding would normally take place in the fall after September 15 and prior to prolonged ground frost, or in the spring after the frost leaves the ground, after May 15. Seeding would be repeated until a satisfactory stand, as determined by the BIA authorized officer, is achieved. The seed mixture would be broadcast on the disturbed area after seedbed preparations are complete. After broadcasting on lands held in trust by the BIA, the seed would be lightly harrowed or raked into the ground prior to the application of stabilizing material. Seeding

would not take place when wind velocities reach speeds that make uniform application of the seed mixture unlikely.

If the seed does not germinate and establish at least one desirable perennial species per square foot after two growing seasons, the contractor or SBP would perform a one-time reseeding during a period acceptable to the BIA. Success criteria would be based on a qualitative assessment of reclaimed areas and adjacent undisturbed habitat. If there is a need for immediate soil stabilization, a chemical soil binder may be applied, either alone or with mulch. These chemical stabilizers would be applied per the manufacturer's recommended rate.

Reclamation Monitoring and Evaluation of Reclamation Success

A monitoring program would be implemented following construction and reclamation to determine the need for additional reclamation. Monitoring would continue for an unspecified length of time, determined through mutual agreement between SBP and the BIA.

Monitoring would be conducted by a specialist to ensure revegetation of native herbaceous and woody species. Any identified problem areas would be remediated as soon as possible. Effectiveness of erosion and sediment control measures would be assessed during construction, following revegetation. Corrective actions would be taken on any problem areas. Any identified unauthorized vehicle access would be noted during reclamation monitoring and additional measures to block access would be taken.

SBP would conduct reclamation evaluations in conjunction with the BIA. Evaluations would include assessment of soil stability and revegetation success and final revegetation success would be determined based on the following criteria.

- Post-disturbance plant cover is at least 70% of that on adjacent lands. In forested and shrubby areas where comparison to adjacent lands is impractical, success would be measured by evaluating the revegetation density and composition as a result of having met soil stabilization goals.
- Species composition includes a high percentage of seeded species and natural invasion of desirable volunteers from adjacent communities.
- Ability to withstand grazing pressure is similar to adjacent areas. In areas where revegetation may be sensitive to grazing pressure, SBP may negotiate with the BIA or the landowner to defer, reduce, or control grazing or to fence sensitive areas on the ROW for one to three growing seasons until plants are well established.
- Plant reproduction is evident.
- Where applicable, replanted woody species have at least a 50% survival rate.
- Vegetative cover is established and sufficient to, with the help of the noxious weed management plan, control invasion of noxious weeds.
- Vegetative cover is sufficient to mitigate visual impacts.

Soil stability determination would be made by watching for the following erosion indicators.

- Headcuts or bank failure in drainages.

- Existence of soil pedestals that are 0.50 inch high or more and/or at a frequency of 10 or more per 100 square feet.
- Existence of rills more than 3 inches deeps and found at 10-foot intervals.
- Gullies occurring more frequently than 200-foot intervals and that appear unstable (i.e., do not support perennial vegetation).
- Trench subsidence or slumping.
- Disturbance of plant root systems.
- Existence of wind-scoured depressions deeper than 0.50 inch over 25% of a 100-square-foot area.
- Flow patterns that show translocation of soil and surface litter.

Noxious Weed Control

Efforts to reduce the spread of noxious weeds would be made during the project construction and maintenance processes. The use of construction equipment and supplies during reclamation of the pipeline construction can potentially cause the spread of noxious weeds. The following guidelines would be followed during construction, reclamation, and maintenance stages of the project to control the spread of noxious weeds.

- Construction equipment, materials, and vehicles would be stored at construction sites or at specified construction yards.
- All personal vehicles, sanitary facilities, and staging areas would be confined to a limited number of specified locations to decrease chances of incidental disturbance and spread of weeds.
- Contractors would be required to ensure that vehicles arrive at the work site clean and weed-free. All equipment, including personal vehicles, entering the ROW must be washed at a designated location and identified with a tag certifying that it is clean and weed-free.
- In areas with existing noxious weed infestations, vegetation, soils, and trench spoil material would be stockpiled adjacent to the removal point and, following construction, would be returned to their original locations to prevent their spread along the ROW.
- Following completion of work at identified noxious weed-infested sites, the contractor would be required to use compressed air or other means to remove soil and propagules from equipment and vehicles to prevent transport along the ROW.
- Prompt re-establishment of the desired vegetation in disturbed areas is required. Seeding would occur during the frost-free periods after construction. Certified “noxious weed-free” seed would be used on all areas to be seeded.

Furthermore, SBP has committed to control the spread of noxious weeds within the project area during the construction, reclamation, and maintenance phases of the project. BIA personnel would assist with the identification of noxious weeds during required line maintenance activities. The authorized officer would be contacted prior to any herbicide use. If a noxious weed community is found, it would be eradicated unless the community is too

large, in which case it would be controlled or contained to prevent further growth. The services of a qualified weed control contractor would be utilized.

Final Abandonment

A termination and reclamation plan would be developed and submitted to the BIA at least one year prior to abandonment. This plan would include, but would not be limited to, removal of aboveground facilities, reclamation procedures for aboveground facility sites and access roads, and an abandonment and reclamation schedule.

All surface facilities would be removed upon abandonment. Compacted areas would be ripped and, following recontouring, stockpiled topsoil would be redistributed, prepared, and revegetated. SBP would be responsible for reclamation until it meets BIA requirements.

Availability of soil nutrients changes over time, so soils in long-term stockpiles would be analyzed to determine nutrient status and fertilizer application rates prior to redistribution.

Upon final abandonment of the pipeline location and/or access roads related to the SBP project, water diversion measures would be installed and both the access roads and pipeline locations would be restored to approximately the original ground contour(s).

Because the economic and environmental costs preclude excavation and removal of the pipeline, it would be purged and abandoned in place.

9. Applicable National Environmental Policy Act Document(s)

- *Environmental Assessment Addendum: Addendum to Environmental Assessment to Authorize Land Use for the Southeast Lateral Pipeline Connecting to the Saddle Butte Pipeline (March 2012).*
- *Environmental Assessment Addendum: Addendum to Environmental Assessment to Authorize Land Use for the West Lateral Pipeline Connecting to the Saddle Butte Pipeline (March 2012).*
- *Environmental Assessment: Enerplus Resources (USA) Corporation: Eight Exploratory Bakken and Three Forks Oil Wells Located on Four Well Pads (December 2011).*
- *Environmental Assessment: Enerplus Resources (USA) Corporation: Eight Exploratory Bakken and Three Forks Oil Wells: Morgan 149-93-29B-32H TF, Arabian 149-93-29B-32H, Pinto 149-93-29A-32H, Mustang 149-93-29A-32H TF, Wormwood 149-93-21C-22H, Bluestem 149-93-21C-22H TF, Arnica 149-93-21A-22H TF, Chokecherry 149-93-21A-22H (September 2011).*
- *Environmental Assessment: Peak North Dakota, LLC (Peak): Drilling Bradfield #31-14H, Mandan #8-21H, Mandan #8-31H, Young Bird #12-21H, Walker #18-34H, Hans #20-21H, and Likes Eagle #2-31H Exploratory Oil and Gas Wells (October 2010).*
- *Environmental Assessment: Saddle Butte Pipeline, LLC, Saddle Butte Trunk Lines (September 2010).*

- *Environmental Assessment: Peak North Dakota, LLC: Drilling of Baker, Brugh-Bear, Danks, Eagle's Nest, and Fox Ridge Exploratory Oil and Gas Wells (January 2010).*

10. Other Relevant Documentation

- *Environmental Assessment Addendum: Enerplus Resources (USA) Corporation: Addendum to Environmental Assessment to Authorize an Additional Well on Five Previously Approved Well Pads and an Access Road Modification (March 2012).*
- *Addendum to Environmental Assessment to Authorize Land Use for the East Lateral Pipeline Connecting to the Saddle Butte Pipeline (August 2011).*
- *Addendum to Saddle Butte Pipeline, LLC, August 2010 Environmental Assessment for Approval of Saddle Butte Trunk Lines (October 2010).*
- *Wandler, Cole, and Jolene Schleicher*

(2012a) A Class I and Class III Cultural Resource Inventory of the Saddle Butte Bass #149-94-25B-36H TF and Trout #149-93-25B-36H Access Road Reroute and Gathering Pipeline, Fort Berthold Indian Reservation, Dunn and McKenzie Counties, North Dakota. SWCA Environmental Consultants for Saddle Butte Pipeline, LLC, Durango, CO.

(2012b) A Class I and Class III Cultural Resource Inventory of the West Lateral Pipeline Reroutes and Temporary Workspaces, Fort Berthold Indian Reservation, Dunn and McKenzie Counties, North Dakota. SWCA Environmental Consultants for Saddle Butte Pipeline, LLC, Durango, CO.

11. National Environmental Policy Act Adequacy Criteria

This document has identified the above-mentioned previously prepared NEPA documents, which adequately describe the environmental consequences of the newly proposed action described herein, and meet the following NEPA Adequacy Criteria.

1. The proposed action is substantially the same action and at the sites specifically analyzed in the existing NEPA documents.
2. The range of alternatives is reasonable with respect to the current proposed action in the existing NEPA documents, which appropriately consider and analyze current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA documents. The analysis is still valid in light of new studies or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA documents continues to be appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA documents.

6. The cumulative impacts that would result from implementation of the proposed action are unchanged from those analyzed in the existing NEPA documents.
7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA documents.

References Cited

- Baer, S. 2011. A Class I and Class III Cultural Resource Inventory of the Bass #149-94-25B-36H TF and Trout #149-94-25B-36H Well Pad and Access Road, Fort Berthold Indian Reservation, McKenzie County, North Dakota. An unpublished manuscript prepared by SWCA Environmental Consultants, submitted to the Bureau of Indian Affairs – Great Plains Regional Office.
- Hutchinson, A. 2012. A Class I and Class III Cultural Resource Inventory of the West Lateral Pipeline, Fort Berthold Indian Reservation, Dunn and McKenzie Counties, North Dakota. Report prepared by SWCA Environmental Consultants, Bismarck, North Dakota, for Enerplus Resources. Submitted to the Bureau of Indian Affairs – Great Plains Regional Office.
- Johnson, S. 2011. A Class I and Class III Cultural Resource Inventory of the Arnica #149-93-21A-22H TF & Chokecherry #149-93-21A-22H; Morgan #149-93-29B-32H TF & Arabian #149-93-29B-32H; Pinto #149-93-29A-32H TF & Mustang #149-93-29A-32H; and Wormwood #149-93-21C-22H & Bluestem #149-93-21C-22H TF Well Pads and Access Road, Fort Berthold Indian Reservation, Dunn County, North Dakota. Report prepared by SWCA Environmental Consultants, Sheridan, Wyoming, for Enerplus Resources. Submitted to the Bureau of Indian Affairs – Great Plains Regional Office.
- Lal, R. 1988. Soil erosion research methods. American Society of Agronomy 1988:164–165.
- Linse, S.J., D.E. Mergen, J.L. Smith, and M.J. Trlica. 2001. Upland erosion under a simulated most damaging storm. *Journal of Range Management* 54 (2001):356–361.
- North Dakota Game and Fish Department. 2010. Golden eagle nests within the boundary of the Fort Berthold Indian Reservation databases. From Steve Ryke, September 20, 2010. Data available from North Dakota Game and Fish Department upon request.
- SWCA Environmental Consultants (SWCA). 2011. Environmental Assessment: Eight Exploratory Bakken and Three Forks Oil Wells Located on Four Well Pads: Cheetah #149-93-30A-31H and Hyena #149-93-30A-31H TF, Bass #149-94-25B-36H TF and Trout #149-94-25B-36H, Blue #148-93-06C-07-3H and Bowhead #148-93-06C-07-4H TF, and Fire #151-94-16DH and Water #151-94-16DH TF. Prepared by SWCA Environmental Consultants, Sheridan, Wyoming, for Enerplus Resources.
- . 2012a. Environmental Assessment Addendum: Addendum to Environmental Assessment to Authorize Land Use for the Southeast Lateral Pipeline Connecting to the Saddle Butte Pipeline. Prepared by SWCA Environmental Consultants, Sheridan, Wyoming, for Enerplus Resources.
- . 2012b. Environmental Assessment Addendum: Addendum to Environmental Assessment to Authorize Land Use for the West Lateral Pipeline Connecting to the Saddle Butte Pipeline. Prepared by SWCA Environmental Consultants, Sheridan, Wyoming, for Enerplus Resources.

Wandler, C., and J. Schleicher. 2012. A Class I and Class III Cultural Resource Inventory of the Saddle Butte Bass #149-94-25B-36H TF and Trout #149-94-25B-36H Access Road Reroute and Gathering Pipeline, Fort Berthold Indian Reservation, Dunn and McKenzie Counties, North Dakota. Report prepared by SWCA Environmental Consultants, Bismarck, North Dakota, for Saddle Butte Pipeline, LLC. Submitted to the Bureau of Indian Affairs – Great Plains Regional Office.

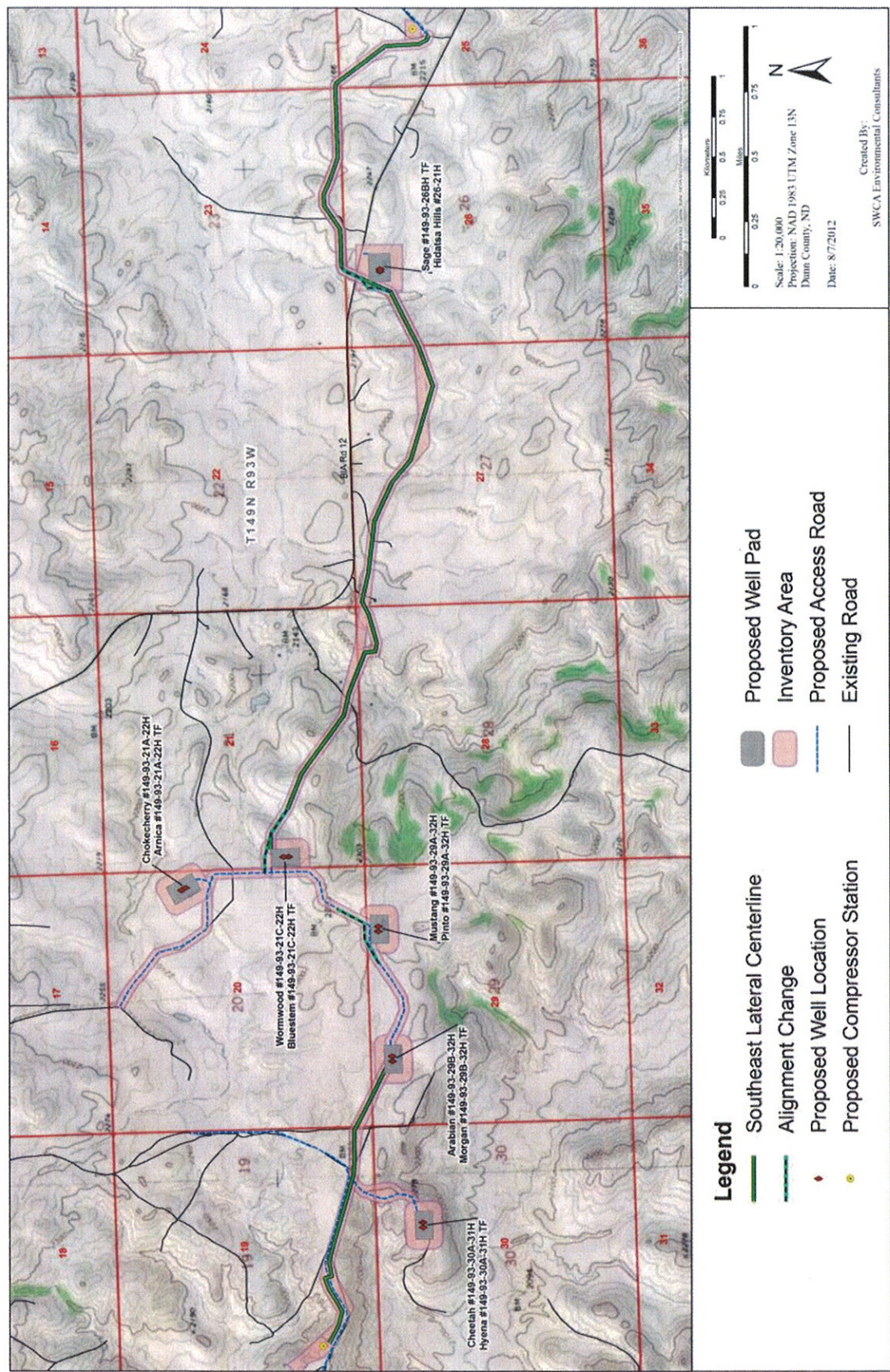


Figure 1. Southeast Lateral Pipeline project location map.

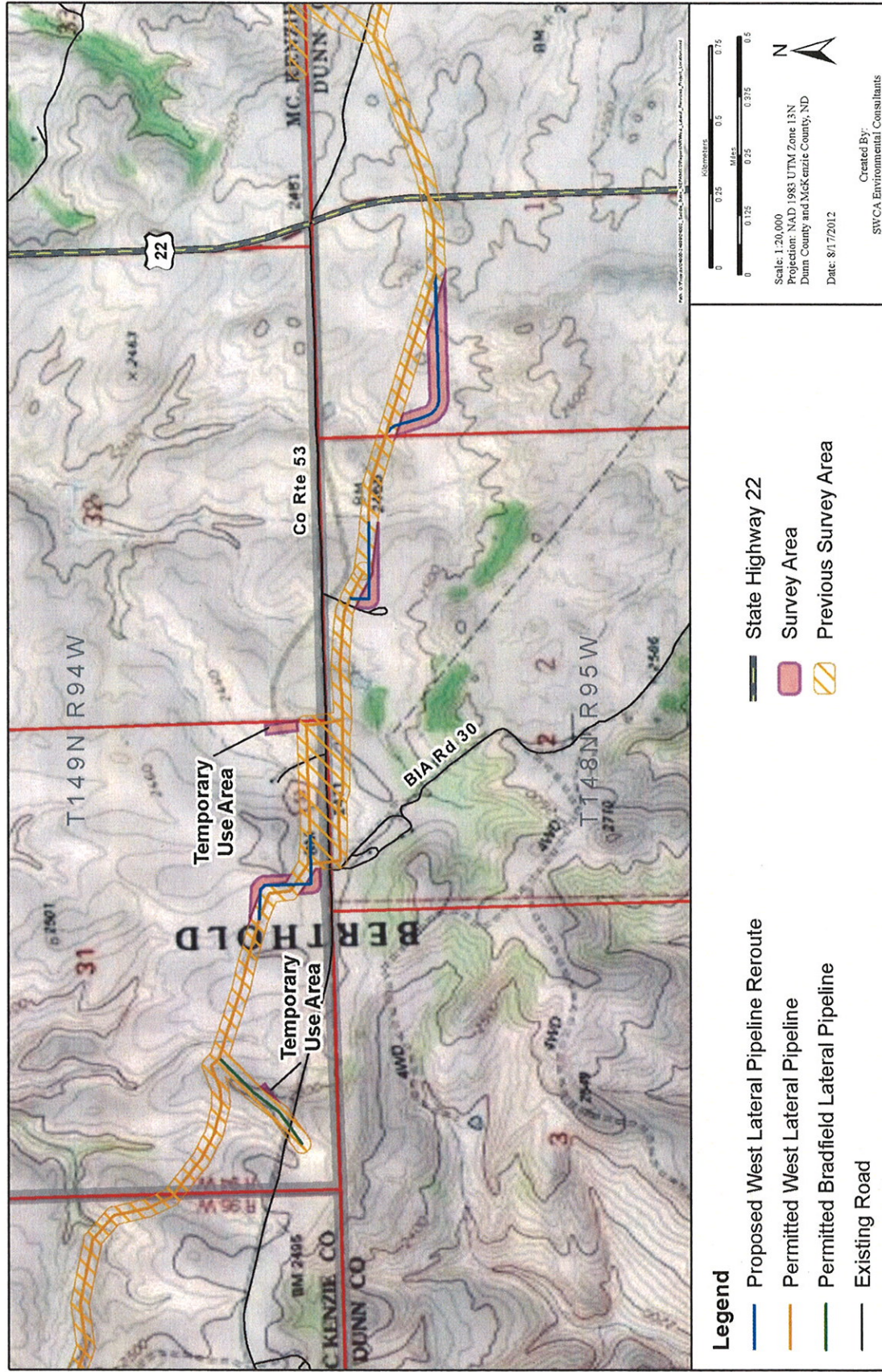


Figure 2. West Lateral Pipeline project location map.

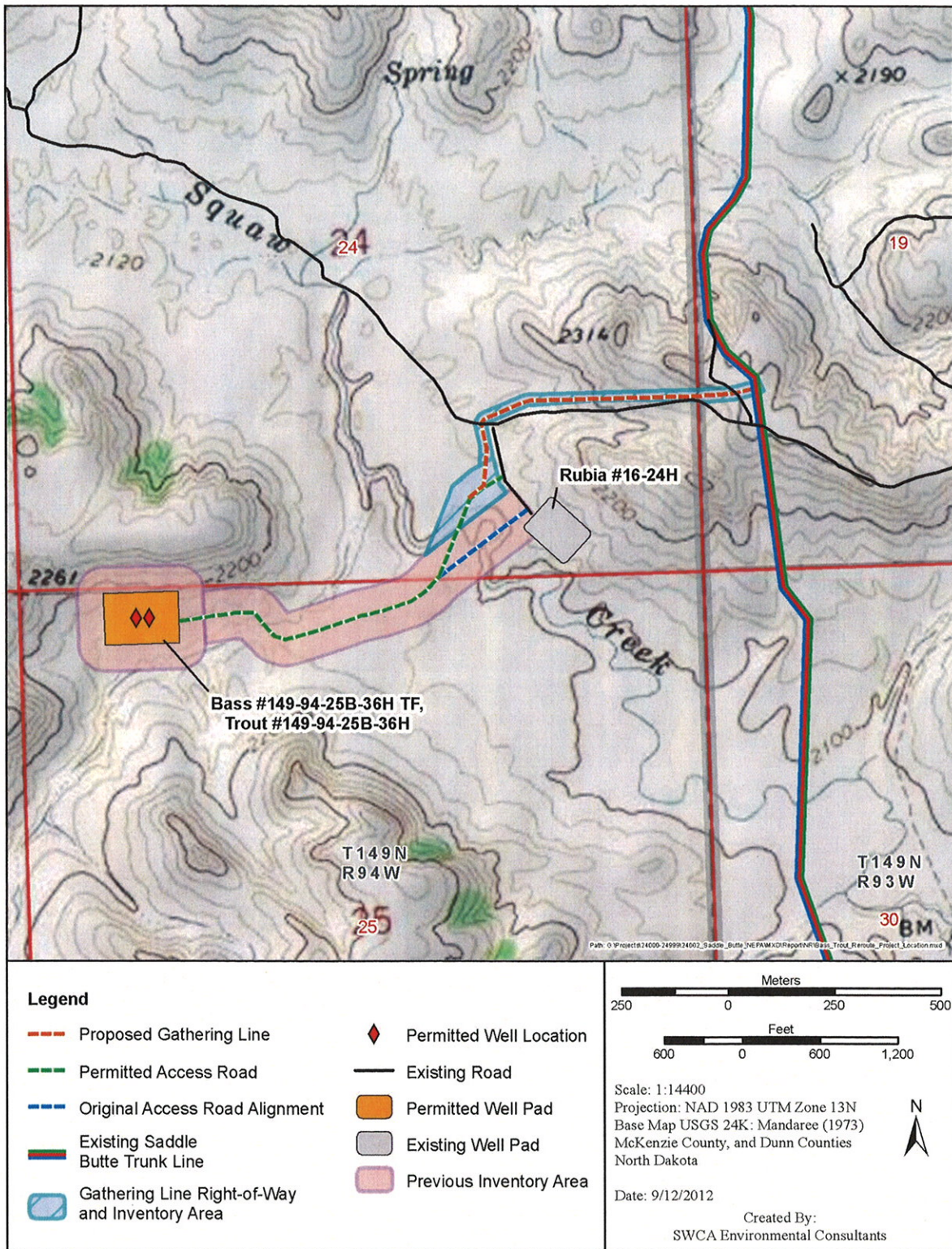


Figure 3. Bass #149-94-25B-36H TF and Trout #149-94-25B-36H Gathering Line project location map.

Addendum to Environmental Assessment to Authorize Alignment Changes to the Southeast Lateral Pipeline and the West Lateral Pipeline Connecting to the Saddle Butte Pipeline (September 2012)



IN REPLY REFER TO:
DESCRM
MC-208

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E., Suite 400
Aberdeen, South Dakota 57401

AUG 09 2012

Elgin Crows Breast, THPO
Mandan, Hidatsa and Arikara Nation
404 Frontage Road
New Town, North Dakota 58763

Dear Mr. Crows Breast:

We have considered the potential effects on cultural resources of two oil pipeline system reroutes in Dunn and McKenzie Counties, North Dakota. Approximately 30.6 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the area depicted in the enclosed report. No historic properties were located that appear to possess the quality of integrity and meet at least one of the criteria (36 C.F.R. § 60.4) for inclusion on the National Register of Historic Places. No properties were located that appear to qualify for protection under the American Indian Religious Freedom Act (42 U.S.C. § 1996 [1994]).

As the surface management agency, and as provided for in 36 C.F.R. § 800.5 (2005), we have therefore reached a determination of **no historic properties affected** for these undertakings. Catalogued as **BIA Case Number AAO-3034/FB/12**, the proposed undertakings, locations, and project dimensions are described in the following reports:

Wandler, Cole, and Jolene Schleicher

(2012a) A Class I and Class III Cultural Resource Inventory of the Saddle Butte Bass #149-94-25B-36H TF and Trout #149-93-25B-36H Access Road Reroute and Gathering Pipeline, Fort Berthold Indian Reservation, Dunn and McKenzie Counties, North Dakota. SWCA Environmental Consultants for Saddle Butte Pipeline, LLC, Durango, CO.

(2012b) A Class I and Class III Cultural Resource Inventory of the West Lateral Pipeline Reroutes and Temporary Workspaces, Fort Berthold Indian Reservation, Dunn and McKenzie Counties, North Dakota. SWCA Environmental Consultants for Saddle Butte Pipeline, LLC, Durango.

If your office concurs with this determination, consultation will be completed under the National Historic Preservation Act and its implementing regulations. We will adhere to the Standard Conditions of Compliance.

If you have any questions, please contact Dr. Carson N. Murdy, Regional Archaeologist, at (605) 226-7656.

Sincerely,

Acting

Regional Director

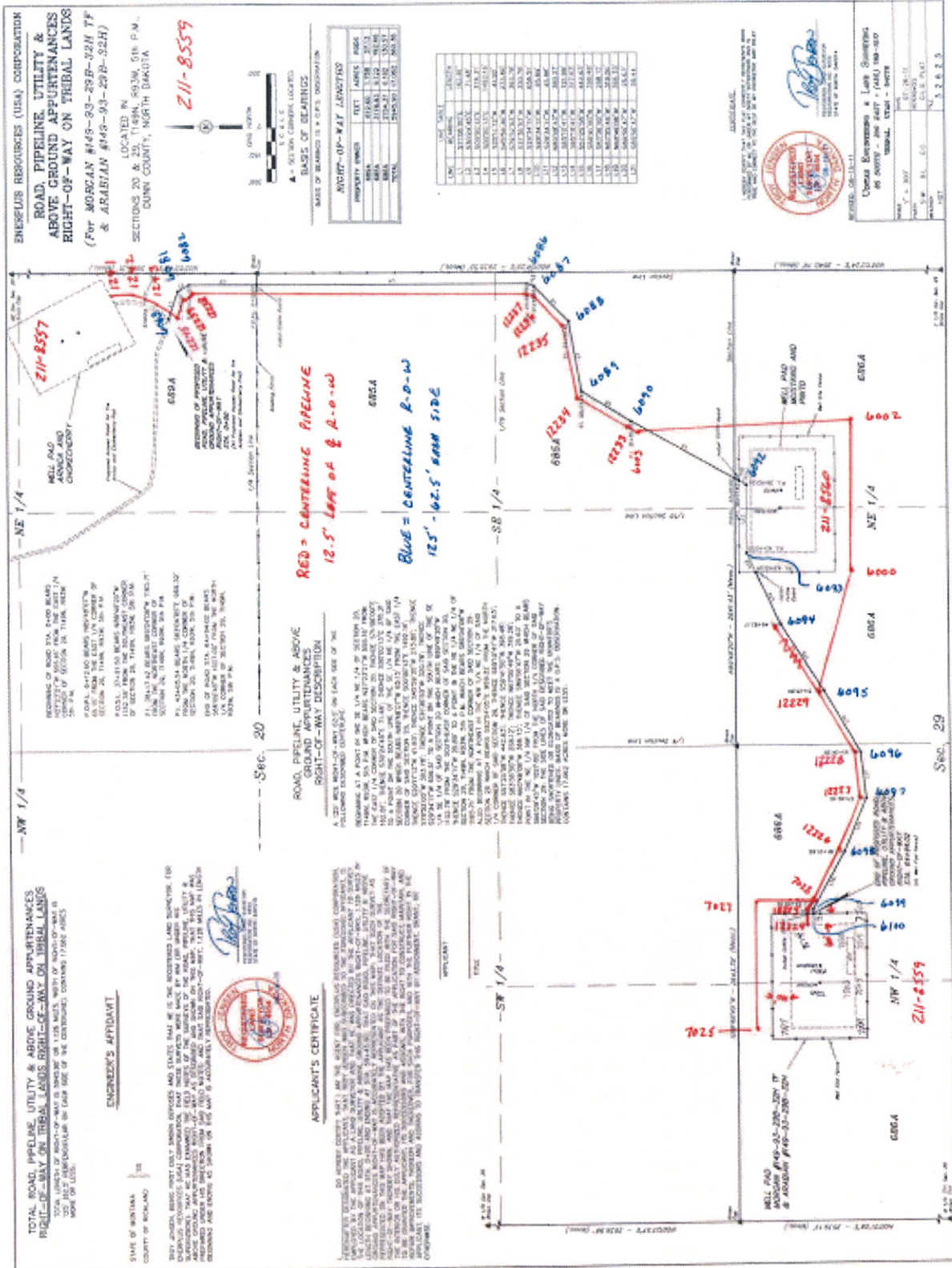
Enclosures

cc: Chairman, Three Affiliated Tribes
Superintendent, Fort Berthold Agency

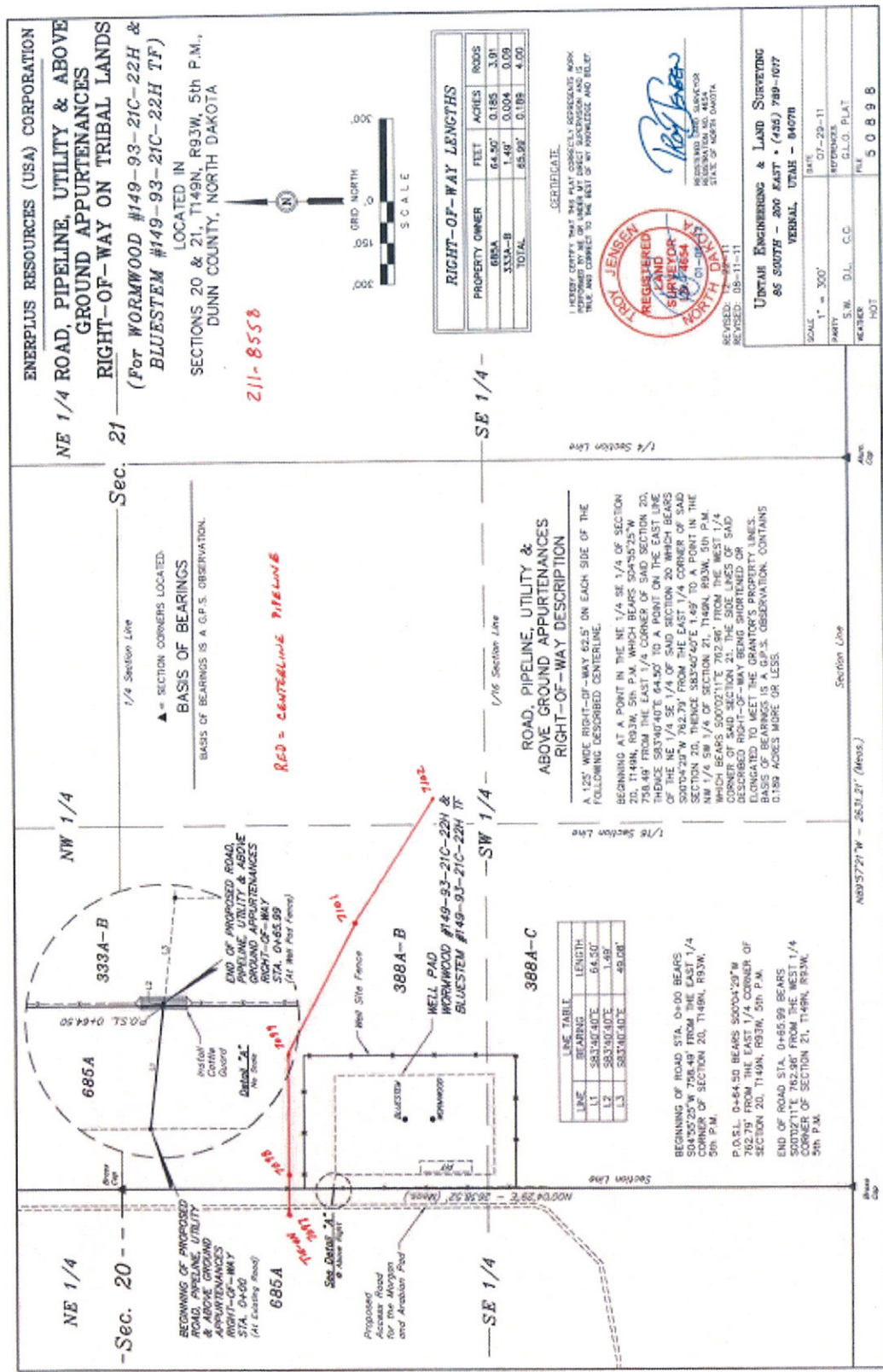
APPENDIX A

Plats, Drawings, and Diagrams for the Southeast Lateral Pipeline and West Lateral Pipeline Alignment Changes

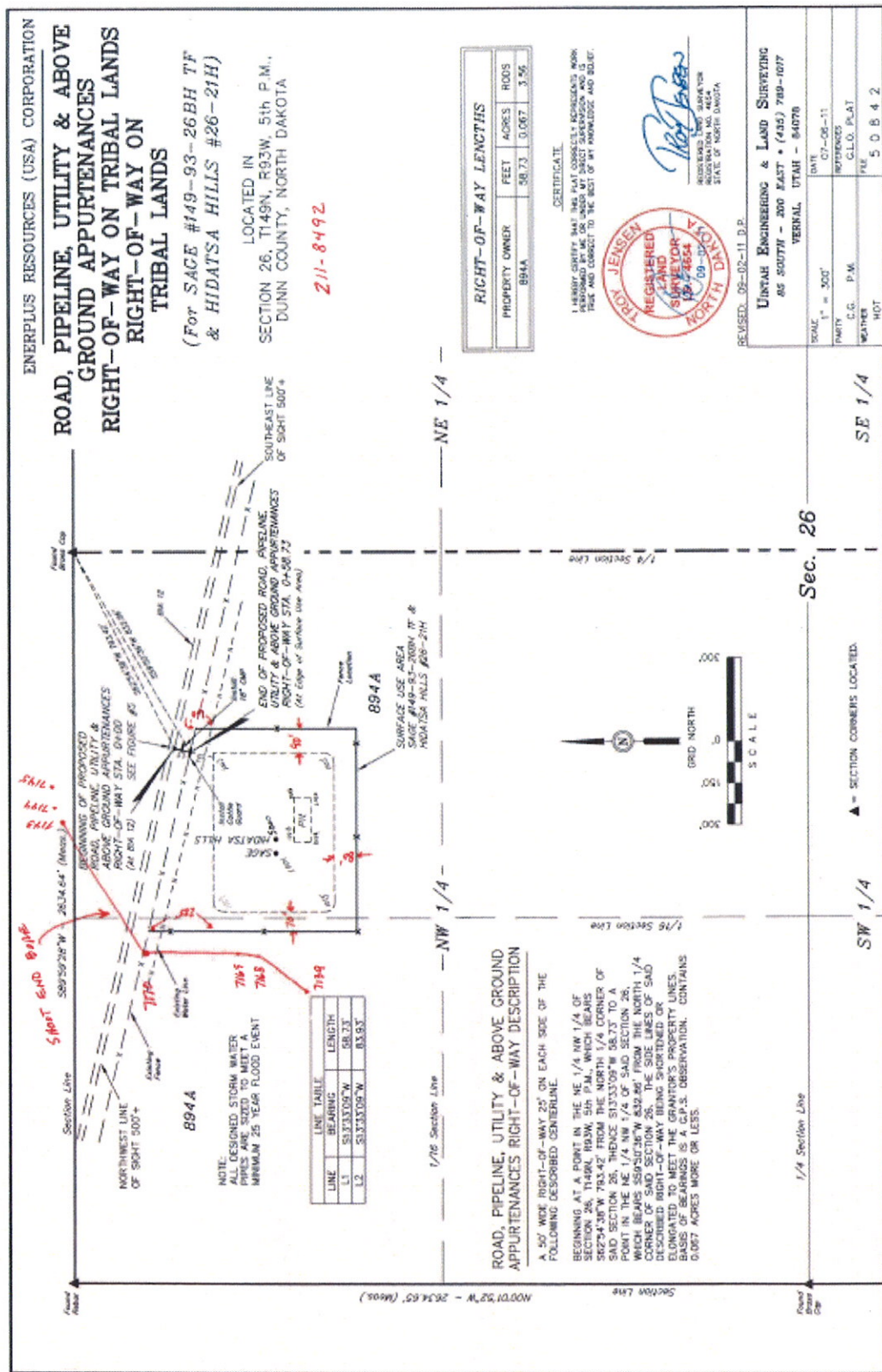
Addendum to Environmental Assessment to Authorize Alignment Changes to the Southeast Lateral Pipeline and the West Lateral Pipeline Connecting to the Saddle Butte Pipeline (September 2012)



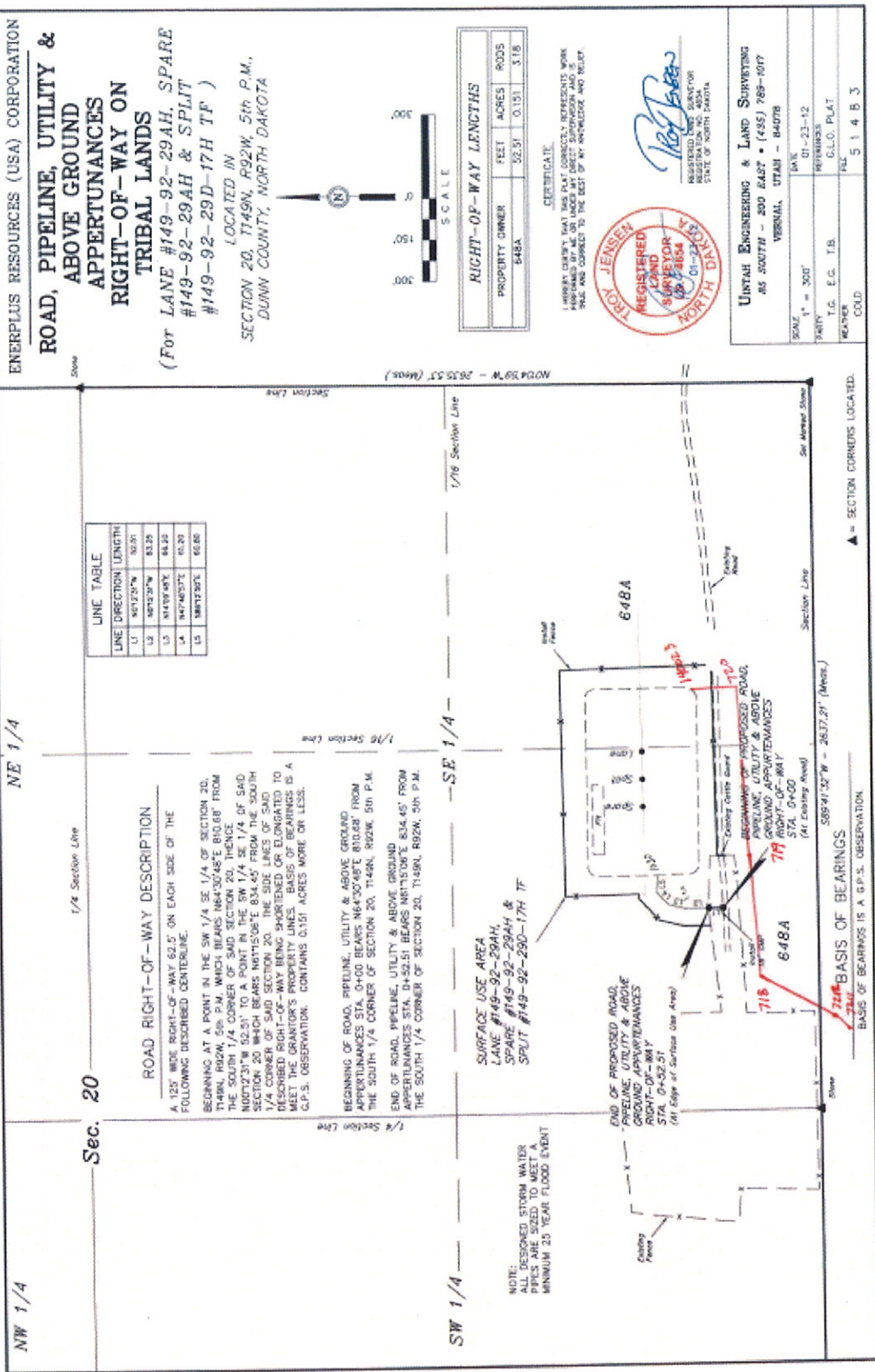
Addendum to Environmental Assessment to Authorize Alignment Changes to the Southeast Lateral Pipeline and the West Lateral Pipeline Connecting to the Saddle Butte Pipeline (September 2012)



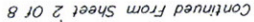
Addendum to Environmental Assessment to Authorize Alignment Changes to the Southeast Lateral Pipeline and the West Lateral Pipeline Connecting to the Saddle Butte Pipeline (September 2012)



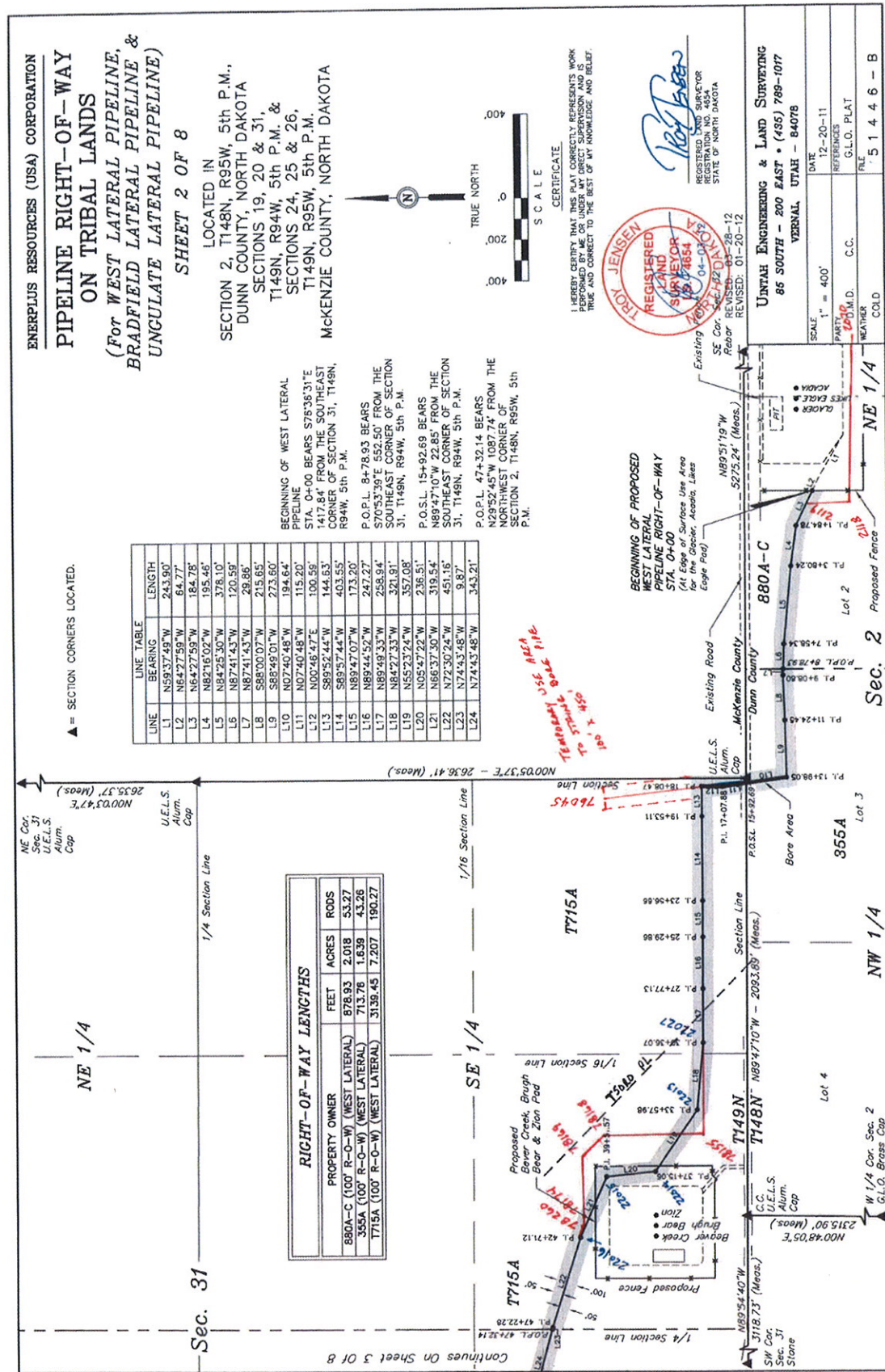
Connecting to the Saddle Butte Pipeline (September 2012)



Connecting to the Saddle Butte Pipeline (September 2012)



Addendum to Environmental Assessment to Authorize Alignment Changes to the Southeast Lateral Pipeline and the West Lateral Pipeline Connecting to the Saddle Butte Pipeline (September 2012)



Addendum to Environmental Assessment to Authorize Alignment Changes to the Southeast Lateral Pipeline and the West Lateral Pipeline Connecting to the Saddle Butte Pipeline (September 2012)

